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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

- v. -

ILYA KOGAN

Defendant.

- - - - - X

INDICTMENT

16th CRIM 221

COUNT ONE

(Conspiracy to Commit Health Care Fraud)

The Grand Jury charges:

OVERVIEW OF THE SCHEME

1. From at least in or about January 2010 through at least in or about August 2013, in the Southern District of New York and elsewhere, ILYA KOGAN, the defendant, and his co-conspirators, in order to fraudulently obtain payments from Medicare and Medicaid to which they were not entitled, submitted and caused to be submitted to Medicare and Medicaid numerous claims that falsely represented that certain health care services had been provided to patients.

STATUTORY ALLEGATIONS

2. From at least in or about January 2010 through at least in or about August 2013, in the Southern District of New York and elsewhere, ILYA KOGAN, the defendant, and others known and unknown, conspired to violate Title 18, United States Code, Section 1347.

JUDGE SWEET

3. It was a part and object of the conspiracy that ILYA KOGAN, the defendant, and others known and unknown, would and did knowingly and willfully execute, and attempt to execute, a scheme and artifice to defraud a health care benefit program and to obtain, by means of false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and control of, a health care benefit program, namely Medicare and Medicaid, in connection with the delivery of and payment for health care benefits, items, and services, in violation of Title 18, United States Code, Section 1347.

(Title 18, United States Code, Section 1349.)

COUNT TWO
(Health Care Fraud)

The Grand Jury further charges:

4. From at least in or about January 2010 through at least in or about August 2013, in the Southern District of New York and elsewhere, ILYA KOGAN, the defendant, knowingly and willfully did execute, and attempt to execute, a scheme and artifice to defraud a health care benefit program and to obtain, by means of false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and control of, a health care benefit program, namely Medicare and Medicaid, in connection with the delivery of and payment for health care benefits, items, and services, to wit, KOGAN and his co-conspirators, in order to

fraudulently obtain payments from Medicare and Medicaid to which they were not entitled, submitted and caused to be submitted to Medicare and Medicaid numerous claims that falsely represented that certain health care services had been provided to patients.

(Title 18, United States Code, Sections 1347 and 2.)

FORFEITURE ALLEGATION AS TO COUNTS ONE AND TWO

5. As a result of committing the federal health care fraud offense charged in Count One and Count Two of this Indictment, in violation of Title 18 United States Code Sections 1349 and 1347, ILYA KOGAN, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(7), any and all property, real and personal, that constitutes or is derived, directly and indirectly, from gross proceeds traceable to the commission of the offenses charged in Count One and Count Two of this Indictment.

Substitute Assets Provision

6. If any of the above described forfeitable property, as a result of any act or omission of the defendant:


- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot

be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b), Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461, to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 982; Title 21, United States Code, Section 853; and Title 28, United States Code, Section 2461.)


FOREPERSON


PREET BHARARA
United States Attorney

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